

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Tyrone P. James
(Inmate Number)

(Name of Plaintiff)

York Co. Prison, 3400 Concord Rd
(Address of Plaintiff)

York, Pennsylvania 17402

vs.

York County Police Department,

Agent James H. Morgan, Det. Richard

Peddicord, Det. Raymond E. Craul,

(Names of Defendants)

Det. Jean Fells, Det. Kessler, C/O Baylark

TO BE FILED UNDER: ☒ 42 U.S.C. § 1983 - STATE OFFICIALS

☐ 28 U.S.C. § 1331 - FEDERAL OFFICIALS

COMPLAINT

FILED

FEB 22 2002

PER 910
HARRISBURG, PA DEPUTY CLERK

I. Previous Lawsuits

- A. If you have filed any other lawsuits in federal court while a prisoner please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

N/A

II. Exhaustion of Administrative Remedies

- A. Is there a grievance procedure available at your institution?
☐ Yes ☒ No
- B. Have you filed a grievance concerning the facts relating to this complaint?
☐ Yes ☒ No

If your answer is no, explain why not This matter is a Federal matter and

Constitution rights and Federal laws have been violated.

- C. Is the grievance process completed? ☐ Yes ☒ No

(In Item A below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use Item B for the names, positions and places of employment of any additional defendants.)

- A. Defendant York County Police Department/Agent James H. Morgan employed
as Agent 7 Investigator at Attorney general Bureau of Narcotic
Investigation and Drug Control.
- B. Additional defendants Det. Richard Peddicord, Det. Raymond E. Craul,
Det. Jean Fells, Det. Kessler, York County Drug Task Force;
Correctional Officer Baylark, York County Prison.

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.)

1. On January 10, 2001 I was retrieving my mail from a mail box rental at Mail Box Etc. at 2536 Eastern Blvd, York. 2. Upon me exiting the building, I was approached by several individual who looked like Thugs. They didn't identify themselves as Police officers. 3. I had retrieved a make shift box from the clerk inside the office, upon exiting the building and these individual approaching me, I dropped the "Make shift box" and strated moving away from them. 4. Suddenly I was hit by a van, driven by one of the defendants and subsequently thrown to the ground and stepped upon by the defendants numerous time. I was trampled upon, handcuffed, and taken hold of my person, along with my personal belonging, including: Wallets, Keys, both for car and house keys. The use of excessive force were in force at all time. I was place in the same van 5. Upon entering the van I was approached by defendant James H. Margan who asked me, " If I knew what was in the package?" Without explaining what was the purpose for the stop or what was I been arrested for. I was never read my Miranda Right by any of the defendants. 6. Upon my arrest, I was taken to the York County Police Department, where I was Interrogated by James H. Morgan. I asked him on several occasions for a telephone call so as to inform my family of my situation and to call an attorney, which I was denied. 7. I was again questioned by Defendant James Morgan, at that time defendant Richard Peddicord had taken my personal papers, business card, credit cards, Lawyer network cards, airline frequent flyer card from my wallets. I was in custody for approximately 10:35am, and

Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. Preliminary/Permanent injunction-Prohibits the defendants their successors, in office, agents and employees and all other person in active concert or collusion any participation of them from harassing threaten punishing or retaliating in any way against plaintiff. Bar from any form of administrative harassment to him or his Family.
2. Prohibit defendants from any contact with plaintiff stay or transfer to another Institution pending of this action.
3. Recommend and stipulate that the pending charges are to be dismissed in State and Federal Court that are caused by or from these violations and as the court deems just and proper in due form of law.
4. Order the York County Common Pleas Court and District attorney office to return all seized property and frozen bank accounts owned by Plaintiff; Because they are directly causing my family extreme undue economic hardship and deprivation.
5. Order a full investigation upon finding to verify complaint, court should sanction against officers for any misconduct the officers that had committed by depriving plaintiff of his Constitutional rights and violation of Federal law and civil rights to prevent any further misconduct from happening in the future.
6. Compensatory damages/ Monetary damages five (5) millions dollars for violation of my Constitutional Rights. (Continue on A-2 Relief)

Signed this _____ day of _____, 19____.

(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

(Date)

(Signature of Plaintiff)

8. I was later charged and processed by defendant Raymond Craul.
 9. I was in custody from approximately 10:35am, until 10:30 pm, at which time I was taken to appear before the magistrate Judge, who issued me an excessive bond and eventually took me to York County Prison. 10. At admission I requested a phone call to call my family to obtain an attorney, I was denied by James H. Morgan, who instructed correctional officers, Baylark and Asbury, "Not to give me any phone calls pending investigation." I was later denied phone call by C/O Baylark that same night. In total, I was denied telephone access from January 10, 2001, until January 12, 2001. 11. I was continually subjected to steady and persistent questioning by defendants from January 10, 2001, until January 12, 2001; Even when I inform defendants about they denied me a phone call, I was disabled, and I would not speak to them without an attorney. 12. Upon my release into population, I was informed that my wife had also been questioned about the occurrence, yet was not informed as to my whereabouts since that time, she was also been harassed by defendants. 13. On Friday January 12, 2001, I was escorted by a constable to the West King Street Magistrate, where I greeted by defendants James Morgan and Richard Peddicord, I was taken before the magistrate, was charged and held on \$225 million bond. I have been incarcerated from that time until the present time. The bond is "Cash Only". 14. On February 22, 2001, while in District Justice Vera Heilman office for a preliminary hearing my wife and her Sister was harassed by defendant James H. Morgan, defendant Kessler, and Defendant Richard Peddicord. 15. James Morgan, asked my wife and her Sister for their name, home and work phone numbers, If they refuse to give it to him, He would lock them up and hold them in contempt of direct order. I informed District Justice, Vera Heilman.

LEGAL CLAIM

1. Defendants are in violation of my Fourth amendment: Warrantless search and seizure, Illegal search and seizure, unlawful arrest, wrongful arrest and detention, invasion of privacy, violation of Due process, and Entrapment.

2. Fifth amendment as to self incrimination, by using psychological and coercive tactic in gathering evidence. Coersion under duress. Interrogation after counsel was requested. Threat of more serious consequences, using a ruse for entrapment. Failure of Miranda Rights,

3. Sixth amendment: Denied access to counsel, and Due Process of the law, when defendants fail to give Plaintiff the phone calls he requested, privilege against the inherently coercive effects of custodial interrogation. Entrapment as to coercive tactic.

4 Fourteenth amendment: Violation when defendants, acted under the color of State law deprive me of life, liberty, and property without the due process of law; When defendants use deliberate indifference.

5. Eight amendment violation as to the use of excessive bond. Bond that is unreasonable to Plaintiff. As to the use of excessive force when defendants arrested plaintiff.

6. I further accused defendants of: Police misconduct, negligence, conspiracy and corruption, entrapment, perjury, making false statements, under Oaths, Police harassment, discrimination, bias, and prejudice, who also violated my equal protection under the law.

RELIEFS

2. For mental stress and emotional, anguish, psychological injuries, trauma suffered due to detention caused by defendants, in the amount of \$500,000.00.

Punitive damages: 1. For reckless, callous, wanton, malicious, and intentional disregard for plaintiff rights and intentional violation of Federal law and Constitutional rights, in the amount of \$1,000,000.00.

2. In the amount of \$ 250,000, for Harassment cause by defendants that cause my wife stress, anguish, and trauma, and hardship suffered by these violation.

3. Deliberate Indifference in the amount of \$250,000.00, suffered by plaintiff and wife, due to Police misconduct and the private interest affected. Unlawful entry, intentional aggregation due to unlawful aggressive questioning and interrogation.

Declaratory relief: 1. That the defendants actions Policies, and practices described here in violated plaintiff rights under the United

DECLARATORY RELIEFS

2. A Jury trial on all issues triable by Jury.
3. Plaintiff cost of this suit and attorney fee the court deem just and proper.
4. Court may grant other relief as this Court deem just, proper and equitable.